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PRINT NAME: CLARK, AIMEE

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DATE/TIME: 12/22/2022 14:16

GUAM ENVIRONMENTAL PROTECTION AGENCY • AHENSIAŇ PRUTEKSIÓN LINA'LA' GUÁHAN

LOURDES A. LEON GUERRERO • GOVERNOR OF GUAM | JOSHUA E. TENORIO • LIEUTENANT GOVERNOR OF GUAM

WALTER S. LEON GUERRERO • ADMINISTRATOR | MICHELLE C. R. LASTIMOZA • DEPUTY ADMINISTRATOR

DEC 22 2022

Aimee Clark  
General Manager  
Lagu Sanitation  
223 Bello Road  
Barrigada, Guam 96932

RE: Notice of Violation, Order of Compliance, and Administrative Penalty Order No. SW 23-002

Hafa Adai Ms. Clark:

This Notice of Violation /Administrative Penalty Order (NOV/OC/APO) No. SW23-002 is issued to you as the General Manager of Lagu Sanitation (hereinafter referred to as Respondent) for solid waste violations discovered at your facility on 223 Bello Road, located in the municipality of Barrigada.

The Guam Environmental Protection Agency (Guam EPA) is responsible for implementing and enforcing the Solid Waste Management and Litter Control (SWMLC), Chapter 51 of Title 10, Guam Code Annotated (GCA), Public Law No. 23-64 and 22 Guam Administrative Rules and Regulations (GARR) Chapter 21, Solid Waste Collection Regulations.

The NOV/OC/APO is based on a Compliance Evaluation Inspection (CEI) conducted on November 22, 2022, as a result of a solid waste complaint concerning odors of household waste permeating from your facility and the accumulation of municipal solid waste.

Guam EPA representative (Guam EPA), Glenn San Nicolas, met with Ms. Jacqueline Castro, Operations Manager for Lagu Sanitation, concerning the complaint. After proper introductions and explaining the purpose of the CEI, Ms. Castro accompanied Guam EPA on the CEI of the Lagu Sanitation Facility (Lagu). According to Ms. Castro, due to a shortage of working vehicles and the cancellation of services by Core Tech Properties, there was an increase in full waste bins returned to Lagu for consolidation and removal.

During the CEI, Guam EPA observed light litter behind the maintenance shop on the western side of the property and along the fence line between the Lagu and the residential homes on the northwestern side of the property. Guam EPA also observed flies and odors permeating from trash bins and roll-off containers containing approximately 150 cubic yards (cy) of municipal solid waste and about 116 cy of cardboard on the northwestern, northeastern, and eastern sides of the property where usually empty bins and roll-offs containers are typically stored.

During the out brief, Guam EPA summarized the findings of the CEI to you and Ms. Castro. Guam EPA emphasized that Lagu's Collection Permit only allows for the transportation of solid waste on Guam's roadways from the source of generation to a Guam EPA-permitted Solid Waste

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Management Facility (SWMF) for disposal and that Lagu is not a Solid Waste Transfer Facility used to store and consolidate collected solid waste temporarily.

A CEI Report and site photos are attached to the NOV/OC/APO.

### **NOTICE OF VIOLATIONS**

Based on the CEI, the Respondent violated the following sections of the Guam Solid Waste Management and Litter Control Act, Chapter 51 of Title 10 GCA, and the Guam Solid Waste Collection Rules and Regulations, Chapter 22 of 22 GARR.

1. "It shall be unlawful for any person to violate any provision of this Chapter or any rule, regulation, standard, or order issued under this Chapter." 10 GCA §51110(a)

- *As described in this report, the Respondent violated the Solid Waste Management and Litter Control provisions and the Solid Waste Collection Regulations.*

2. "It shall be unlawful for any person to manage solid waste facilities without a permit issued pursuant to this Chapter;" 10 GCA §51110(a)(4).

- *The Respondent managed a Solid Waste Management Transfer Facility without obtaining a SWMF Transfer Permit from Guam EPA. Lagu collected, stored, and consolidated the contents of multiple trash and roll-off bins at their facility without a permit.*

3. "It shall be unlawful for any person to store, collect, transport, process, or dispose of solid waste in such a manner as to degrade the environment, create a public nuisance, create a health or safety hazard, or violate any provisions of this Chapter." 10 GCA §51110(a)(5).

- *The Respondent unlawfully collected, stored, and consolidated the contents of multiple trash and roll-off bins at their facility in a manner that created odors and flies, creating a public nuisance and health and safety hazard, resulting in complaints from neighbors downwind of the facility.*

### **ORDER OF COMPLIANCE**

Based on the violations cited above, Guam EPA hereby requires the Respondent to perform the following remedial measures within the time frames stated below from the date of receipt of this Order:

1. Immediately cease all illegal waste activity on the subject property;
2. Within seven (7) calendar days upon receipt of this NOV/OC/APO, submit the following:
  - (a) Volume of waste removed and disposed of at a Guam EPA Permitted facility.
  - (b) Disposal receipts.

Nothing in this Order of Compliance limits the ability of Guam EPA to enforce any provisions of applicable Guam laws and regulations. Guam EPA does not waive any rights or remedies available

to it. Failure to comply with this Compliance Order may subject you to additional administrative, civil, or criminal penalties.

In addition to this Notice of Violation/Order of Compliance, the Administrator of Guam EPA, pursuant to 10 GCA §§ 51115 (b) and (e), hereby imposes an administrative penalty.

The maximum administrative penalty for solid waste is one thousand dollars (\$1,000.00) per day per solid waste violation, or eight thousand dollars (\$8,000.00) for two (2) violations of Sections 51110(a) (4) and (5) for four (4) days beginning on November 22, 2022, and ending on November 25, 2022.

The Administrator has used the statutory factors to assess the penalty amount. The factors include the nature and history of these and prior violations and the opportunity, difficulty, and history of taking corrective action.

1. History: *According to our records, Lagu Sanitation was issued the following.*
  - *Notice of Violation/Order of Compliance/Administrative Penalty Order No. SW022 for solid waste violations in 2014.*
  - *September 07, 2022, A verbal warning was given to Lagu Sanitation for Solid Waste Complaint, number 2022-0557, for odors permeating the facility and separating mixed waste rejected by Mr. Rubbishman (Aka. Guahan Waste Transfer Station). However, Ms. Castro was reminded that Lagu Sanitation is not a Transfer Station, and continued violations would result in issuing a Notice of Violation, Order of Compliance, and an Administrative Penalty with fines of up to one thousand dollars (\$1,000.00) per day per violation.*
2. Nature: *Intentional Collection, storage, and consolidation of trash and cardboard at the Lagu Sanitation Facility, without a permit.*
3. Opportunity: *The Collection, storage, and consolidation of trash and cardboard at the Lagu Sanitation Facility and the last-minute cancellation of multiple service locations is not a regular operational occurrence.*

Therefore, the Administrator assesses a \$1,000 penalty for Section 51110(a)(5) and a \$500 penalty for Section 51110(a)(4) per day per violation for a total of six thousand dollars \$6,000.00 for four (4) days in violation. You are presumed under the law to be able to pay the penalty under 10 GCA §51115(e).

The penalty amount is due and owing fifteen (15) calendar days from the date of receipt of this Administrative Penalty Order. The payment due date will stay upon the timely filing of a Notice of Intent to Appeal/Notice of Defense. Failure to comply with this Administrative Penalty Order may subject you to additional administrative penalties or civil or criminal actions as described above.

## **NOTICE OF RIGHT TO APPEAL**

You may file within fifteen (15) calendar days from the receipt of this NOV/OC/APO a Notice of Intent to Appeal, also known as a Notice of Defense, with the Guam EPA's Board of Directors, setting forth in such Notice of Intent to Appeal/Notice of Defense, a verified petition outlining the legal and factual bases of the appeal. Attached is a copy of the Notice of Intent to Appeal/Notice of Defense.

Unless a written request for a hearing signed by you or on your behalf is hand-delivered or mailed to Guam EPA within fifteen (15) calendar days of receiving this NOV/OC, Guam EPA may proceed upon the NOV/OC/APO without a hearing.

As provided in 5 GCA §9205, a "Notice of Intent to Appeal, also known as a Notice of Defense, may be hand-delivered or mailed to the following address:

Guam Environmental Protection Agency Board of Directors  
c/o Administrator  
Attn: Air & Land Division  
Guam Environmental Protection Agency  
Building 17-3304 Mariner Avenue, Tiyan  
Barrigada, Guam 96913

If you file a Notice of Intent to Appeal/Notice of Defense, the Guam EPA's Board of Directors shall hold a public hearing not more than sixty (60) calendar days after receipt of such Notice of Intent to Appeal/Notice of Defense. At this time, you may appear and present evidence in person or through counsel in support of this Petition.

Failure to file a Notice of Intent to Appeal and Verified Petition within the specified period will constitute a waiver of your right to a hearing. If you waive your rights to a hearing, the Order of Compliance and Administrative Penalty Order will become final, and Guam EPA may proceed with the Orders without a hearing and further notice to you.

Should you have any questions regarding this notice, please contact Mr. Glenn V. San Nicolas from the Solid Waste Program at 300-4751.

*Dangkolu na si Yu'us ma'åse'.*

*Senseramente,*

  
WALTER S. LEON GUERRERO  
Administrator

Attachments: CEI Report  
Notice of Intent to Appeal

## Solid Waste Compliance Evaluation Investigation (CEI)

<b>Purpose:</b>	CEI
<b>Date of Investigation:</b>	November 22 & 28, 2022
<b>Facility Name:</b>	Lagu Sanitation
<b>Guam EPA Permit No.</b>	22-034 CO
<b>Site Location:</b>	223 Bello Road, Barrigada, Guam
<b>General Manager:</b>	Aimee Clark
<b>Lagu Representative:</b>	Jacqueline Castro, Operations Manager
<b>Mailing Address:</b>	P.O. Box 4277, Hagatna, Guam 96932
<b>Contact Number:</b>	671-649-5681
<b>GEPA Representative:</b>	Glenn San Nicolas, EHS Supervisor
<b>Phone:</b>	671-300-4764
<b>Report Date:</b>	November 28, 2022



**Site Map**  
**Lagu Sanitation Facility**  
**223 Bello Road**  
**Barrigada , Guam**



Figure 1.

## BACKGROUND

HCP Inc. DBA Lagu Sanitation (Hereinafter referred to as Lagu) is located on Bello St. Barrigada. It is situated over the Northern Aquifer and within the Groundwater Protection Zone (indicated in the red lines in Figure 1). Lagu operates a solid waste collection service for Guam residential, commercial, industrial, and government entities. Guam EPA permits Lagu to transport solid waste on Guam's roadways. The Guam EPA Solid Waste Collection Permit allows for the transportation of solid waste from the point of generation to a Guam EPA- permitted disposal facility. Lagu provides bins and roll-off containers for municipal solid waste, green waste, recyclables, and

construction debris. Their facility consists of an administration office, maintenance shop, empty bin, and roll-off container storage area. A chain link fence surrounds the facility providing security.

## INSPECTION

On November 22, 2022, Guam EPA received a complaint regarding the accumulation of trash and trash odors permeating from the Lagu Sanitation Facility. Guam EPA representative (Guam EPA) Glenn San Nicolas, EHS Supervisor, met with Ms. Jacqueline Castro, Operations Manager, concerning the complaint. After proper introductions and explaining the purpose of the Compliance Evaluation inspection (CEI), Ms. Castro accompanied Guam EPA on the CEI of the facility.

According to Ms. Castro, Lagu has been plagued with inoperable trucks and a last-minute cancellation of services provided to Core Tech Properties, and the return of a large number of trash bins that needed to be serviced. The bins and roll-offs with trash and cardboard and returned and brought to the Lagu facility for consolidation and disposal.

During the CEI, Guam EPA observed light litter behind the maintenance shop, North-northeastern Bin Storage Area, Eastern Bin Storage Area, and the Center yard used to park the front loaders and storage bins in need of repair. Guam EPA also observed flies and odors permeating from trash bins and roll-off containers in the Northeastern and Eastern Bin Storage areas. Approximately 150 cubic Yards (cy) of municipal solid waste and about 116 cy of cardboard are on the property's Northeastern and Eastern Bin Storage areas, where empty bins and roll-off containers usually are stored.

Breakdown of the number of roll-offs and bins containing trash and cardboard observed at the facility:

Bin/Roll-off (RO) size:	Cardboard	Trash	Location
24 cy RO	1	1	North-Northeastern Bin Storage Area
10 cy Bin	2	2	North-Northeastern Bin Storage Area
6 cy Bin	7	11	Eastern Bin Storage Area
3 cy Bin	1	10	Eastern Bin Storage Area
1.5 cy Bin	2	6	Eastern Bin Storage Area

The yard fronting the maintenance shop and the administrative building contained empty bins for repair, a garbage truck parking area, and employee parking.



On Friday, November 25, 2022, all full bins and roll-off containers containing trash and cardboard were taken to the Guahan Transfer Station for disposal. November 28, 2022, re-inspection confirmed that all the bins and roll-off containers were emptied, and the litter surrounding the facility was cleaned. Photos of the site were taken during the CEIs.

### Site Photos

Lagu Sanitation Facility

223 Bello Road

Barrigada , Guam



Photo No. 1

Date Taken: 11/22/2022

Location: Eastern side of the facility by the bin storage area

Description: 3cy bin full of trash







**Photo No. 2**

**Date Taken:** 11/22/2022

**Location:** Eastern side of the facility by the bin storage area

**Description:** 6cy bin full of cardboard



**Photo No. 3**

**Date Taken:** 11/22/2022

**Location:** Eastern side of the facility by the bin storage area

**Description:** 6cy bins full of trash



**Photo No. 4**

**Date Taken:** 11/22/2022

**Location:** Eastern side of the facility by the bin storage area

**Description:** Bin full of trash



**Photo No. 5**

**Date Taken:** 11/22/2022

**Location:** Parking area

**Description:** Plat bed truck full of cardboard





**Photo No. 6**

**Date Taken:** 11/22/2022

**Location:** Parking area

**Description:** Trailer full of cardboard next to the flatbed truck



**Photo No. 7**

**Date Taken:** 11/22/2022

**Location:** Yard fronting maintenance shop and parking lot

**Description:** Bin repair yard and garbage, truck, and employee parking area

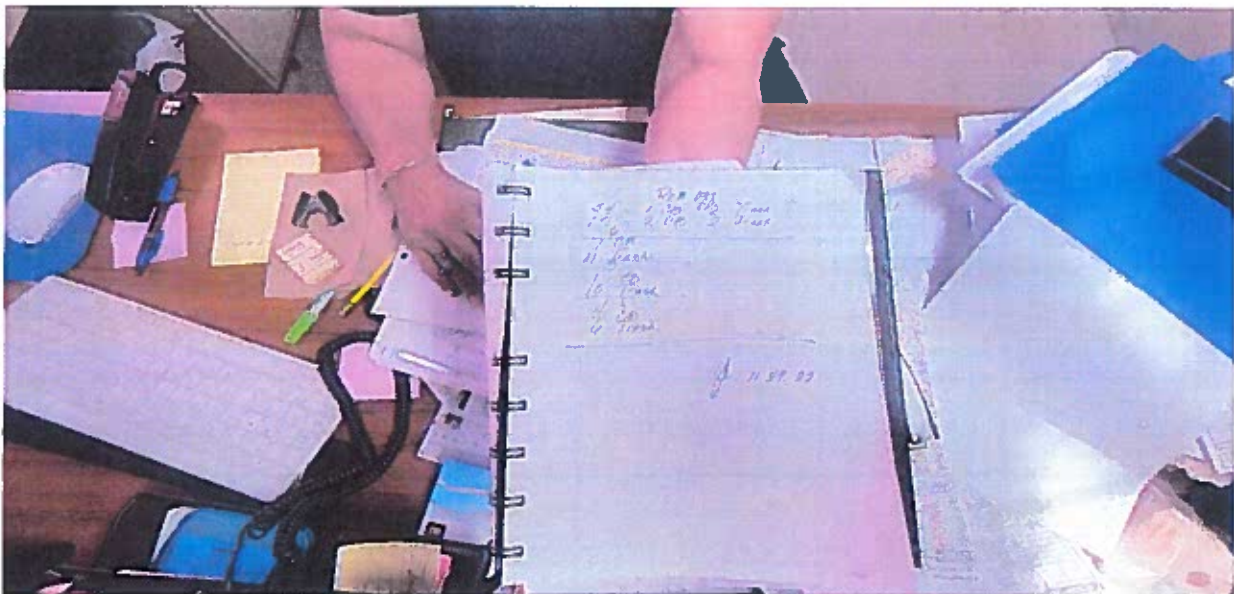


**Photo No. 8**

**Date Taken:** 11/22/2022

**Location:** Western side of the facility

**Description:** Maintenance Shop used to repair bins, equipment, trucks, and fabrication.



**Photo No. 9**

**Date Taken:** 11/22/2022

**Location:** Administration Building

**Description:** Out brief, number of bins and roll-containers full of trash and cardboard





**Photo No. 10**

**Date Taken:** 11/28/2022

**Location:** Parking area

**Description:** Looking east from the Admin. Building. Empty trailer and flatbed upper right



**Photo No. 11**

**Date Taken:** 11/28/2022

**Location:** Eastern side of the facility

**Description:** Empty bin and roll-off containers



**Photo No. 12**

**Date Taken:** 11/28/2022

**Location:** Parking area

**Description:** Looking east from the Admin. Building.



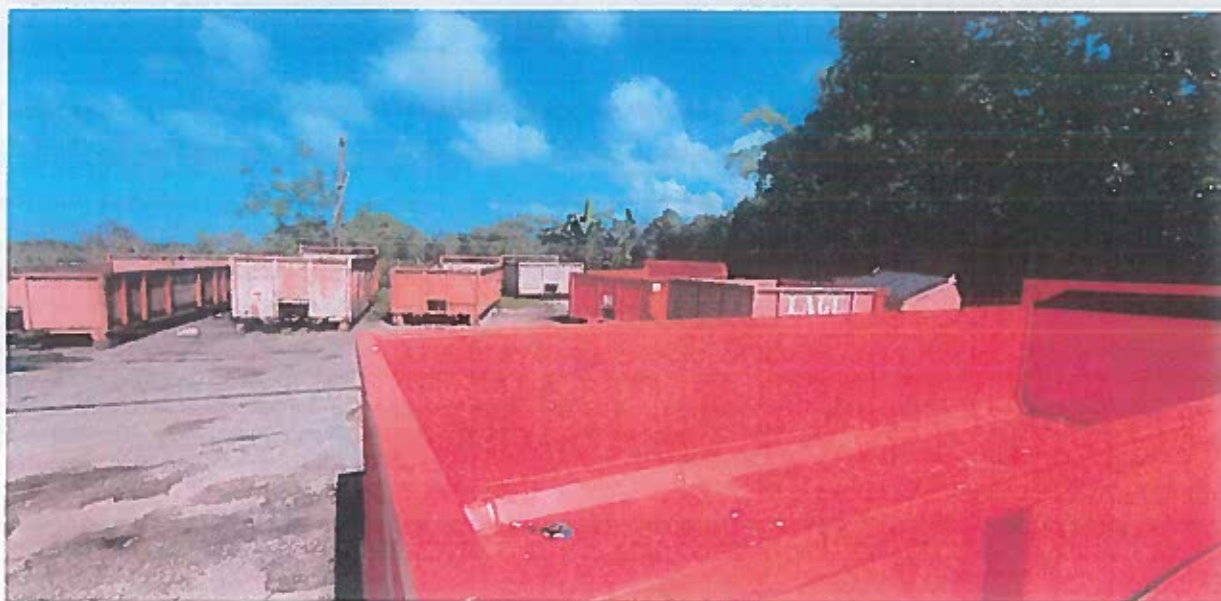
**Photo No. 13**

**Date Taken:** 11/28/2022

**Location:** Eastern side of the facility

**Description:** Empty bin and roll-off containers





**Photo No. 14**

**Date Taken:** 11/28/2022

**Location:** Northeast area

**Description:** Empty roll-off containers



**Photo No. 15**

**Date Taken:** 11/28/2022

**Location:** Northeast area

**Description:** Empty roll-off containers







AHENSIAH PRUTEKSION LINA'LA GUÁHAN

## NOTICE OF INTENT TO APPEAL – NOTICE OF DEFENSE

I, \_\_\_\_\_, have received your Notice of Violation, Order of Compliance and/or Administrative Penalty Order dated \_\_\_\_\_, charging me for violations and/or imposing penalties and/or other orders, and I wish to:

☐ **REQUEST FOR A HEARING AND**

- ☐ Object to the accusation on the ground that it does not state acts or omissions upon which the agency can proceed.
- ☐ Object to the form of the accusation on the ground that it is so indefinite or ambiguous that I cannot identify the infraction or prepare my defense.
- ☐ Wish to prepare a new matter in my defense
- ☐ Admit to the accusation in part

☐ **ADMIT TO THE ACCUSATION IN WHOLE**

☐ **VERIFIED PETITION:** *Under penalty of perjury*, I hereby declare that the following constitutes my legal and factual basis for this appeal (USE ADDITIONAL SHEETS IF NECESSARY):

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My mailing address is: \_\_\_\_\_

PRINTED NAME

SIGNATURE

DATE

GUAM EPA CASE#: 23-002

